

By: Eltife

S.B. No. 1880

A BILL TO BE ENTITLED

AN ACT

relating to the County Court at Law of Lamar County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.1412, Government Code, is amended by amending Subsections (a) and (f) and adding Subsections (l), (m), (n), (o), and (p) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Lamar County has:

(1) concurrent jurisdiction with the district court in:

(A) probate matters and proceedings, including will contests;

(B) family law cases and proceedings, including juvenile cases; ~~and~~

(C) second and third degree felony cases and proceedings and state jail felony cases, including jury trials;

(D) matters and proceedings related to motions to revoke probation and motions to adjudicate guilt in all felony and misdemeanor cases;

(E) felony cases to conduct arraignments and pretrial hearings and to accept guilty pleas; and

(F) civil cases in which the amount in controversy does not exceed \$200,000, excluding interest; and

(2) concurrent jurisdiction with the county and

1 district courts over all suits arising under the Family Code.

2 (f) The district clerk serves as clerk of a county court at
3 law in matters of concurrent jurisdiction with the district court,
4 other than probate matters and proceedings. The [~~and the~~] county
5 clerk serves as clerk of the court in all other matters. Each clerk
6 shall establish a separate docket for a county court at law.

7 (l) The fees assessed in a case in which a county court at
8 law has concurrent civil jurisdiction with the district court are
9 the same as the fees that would be assessed in the district court
10 for that case.

11 (m) In matters of concurrent jurisdiction, a judge of the
12 county court at law and a judge of a district court may transfer
13 cases between the courts in the same manner judges of district
14 courts transfer cases under Section 24.003.

15 (n) The judge of a county court at law and a judge of a
16 district court may exchange benches and may sit and act for each
17 other in any matter pending before either court.

18 (o) The laws governing the drawing, selection, service, and
19 pay of jurors for county courts apply to a county court at
20 law. Jurors regularly impaneled for a week by the district court
21 may, on request of the judge of a county court at law, be made
22 available and shall serve for the week in a county court at law.

23 (p) Except as otherwise provided by this subsection, a jury
24 in a county court at law shall be composed of six members unless the
25 constitution requires a 12-member jury. Failure to object before a
26 six-member jury is seated and sworn constitutes a waiver of a
27 12-member jury. In matters in which the constitution does not

1 require a 12-member jury and the county court at law has concurrent
2 jurisdiction with the district court, the jury may be composed of 12
3 members if a party to the suit requests a 12-member jury and the
4 judge of the court consents. In a civil case tried in a county
5 court at law, the parties may, by mutual agreement and with the
6 consent of the judge, agree to try the case with any number of
7 jurors and have a verdict rendered and returned by the vote of any
8 number of those jurors that is less than the total number of jurors.

9 SECTION 2. Section 25.1412, Government Code, as amended by
10 this Act, applies only to an action filed in the county court at law
11 in Lamar County on or after the effective date of this Act. An
12 action filed in the county court at law in Lamar County before the
13 effective date of this Act is governed by the law in effect on the
14 date the action was filed, and the former law is continued in effect
15 for that purpose.

16 SECTION 3. This Act takes effect September 1, 2013.